

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 21, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-24493 - APPLICANT/OWNER: KHJ PROPERTY HOLDINGS, LLC

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Restaurant with Service Bar use.
2. Conformance to the conditions for Rezoning (Z-0044-87) and Site Development Plan Review (SV-0001-01) if approved.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for Special Use Permit to allow a proposed Restaurant with Service Bar at 2025 Village Center Circle. This location was previously used as a Supper Club and the applicant has proposed renovations to the interior to meet the Title 19.04.010 Minimum Requirements for a Restaurant with Service Bar.

As the proposed use is in a location that had been previously approved for a similar use and that no adverse impacts to the surrounding area have been discovered, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
6/03/87	The City Council approved a request for Rezoning (Z-0044-87) for this site to the P-C (Planned Community) zoning district as part of a larger request.
10/31/01	The City Referral Group approved the Summerlin Site Development Plan Review (SV-0001-01) for Phase 1 of the Plaza Commerce Center, consisting of two 8,500 square foot office buildings and a 6,700 square foot restaurant.
5/02/01	The City Council approved a Special Use Permit (U-0027-01) for a proposed Supper Club at the southeast corner of the intersection of Village Center Circle and Trailwood Drive. The Planning Commission and Staff recommended approval.
10/25/07	The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #51/mh).
<i>Related Building Permits/Business Licenses</i>	
12/21/04	Business License #R09-01115 for Restaurant with seating for 45 or more inactive as of 12/21/04.
12/15/06	Business License #L21-00028 for Supper Club inactive as of 12/15/06.
10/01/07	Business License #R09-96520 for Restaurant with seating for 45 or more requested. License review pending approval of this Special Use Permit.
10/01/07	Business License #L19-96519 for Restaurant Service Bar requested. License review pending approval of this Special Use Permit.
8/09/07	Building Permit #95685: Tenant improvement for Certificate of Occupancy, >5,000 SF. Review pending approval of this Special Use Permit request.
<i>Pre-Application Meeting</i>	
9/11/07	A pre-application meeting was held with staff to discuss the requirements for submitting a Special Use Permit request for a 6,725 square-foot Restaurant with Service Bar at 2025 Village Circle.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

Field Check	
9/21/07	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> Existing, vacant restaurant with matured landscaping. Location within existing commercial office center that surrounds Public Library and Performing Arts Center. No residentially-zoned property or protected uses within required 400-foot separation.

Details of Application Request	
Site Area	
Net Acres	1.44 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Service Commercial	SC (Service Commercial)	PC (Planned Community – Village Center Summerlin Land Use)
North	Office/ Service Commercial	SC (Service Commercial)	PC (Planned Community – Village Center Summerlin Land Use)
South	Office	SC (Service Commercial)	PC (Planned Community – Village Center Summerlin Land Use)
East	Office	SC (Service Commercial)	PC (Planned Community – Village Center Summerlin Land Use)
West	Service Commercial	SC (Service Commercial)	PC (Planned Community – Village Center Summerlin Land Use)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Summerlin	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided (SV-0001-01)		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant with Service Bar (Seating Area)	3,435 SF	1: 50 SF of public seating area	69		69		
Restaurant with Service Bar (Remaining Area)	3,290 SF*	1: 200 SF of remaining GFA	17				
SubTotal	(6,725 SF)		86	4		4	
TOTAL (including handicap)			86		451*		Y
Loading Spaces			1		1		

**Per the provided site plan, the applicant has calculated the 1,499 square-foot kitchen area for the remaining parking spaces. The correct calculation, per Title 19.04.010 is to provide one parking space per 200 square feet of the remaining Gross Floor Area. Staff finds that adequate existing parking has been provided with the previous Supper Club and offices approved under SV-0001-01.*

ANALYSIS

- **Land Use and Zoning**

The applicant is proposing to establish a Restaurant with Service Bar in a location that had previously operated as a Supper Club in the Summerlin Master Planned Area. Although the proposed Restaurant with Service Bar use is not specifically permitted in “Table 2.1 - Permitted Uses” of the *Summerlin Development Standards Manual*, this requested use may be applied by analogy of the general definitions of Title 19 as described in Title 19.06.030(I)2. Per the “*Non-applicability of Other Provisions – Analogous Applications*”, staff finds that with approval of a Special Use Permit, the Restaurant with Service Bar use is allowed in the P-C (Planned Community) zoning district within the Summerlin land use category of VC (Village Commercial).

- **Parking**

The subject site was previously approved as Phase I of the Plaza Commerce Center in 2001. This project development consisted of two 8,500 square foot offices and on 6,700 square-foot restaurant. Per this previous approval (SV-0001-01), there are 451 provided parking spaces for both the restaurant and offices where 349 were required. The provided site plans show a total parking requirement of 77 spaces required based upon an inaccurate calculation that did not include the remaining Gross Floor Area. Although staff has found that the parking requirement is greater than what the applicant has demonstrated in providing, the previous approval and shared parking within the commercial subdivision will provide adequate parking for this proposal.

- **Floor Plan**

The provided floor plans show a 6,725 square-foot Restaurant with 3,345 dedicated to dining, 1,499 square-feet dedicated to kitchen and prep area. The remaining floor area is dedicated to storage, restrooms and a front lobby area. There is an 18-seat sushi bar area that may only receive food service, with alcohol purchases coming from a separate service bar.

- **Conditional Use Requirements**

The Restaurant with Service Bar use is described in Table Two of Title 19.04.010 as, “A bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant and for consumption only in connection with a meal served on the premises, and where customers are not permitted to purchase alcoholic beverage drinks directly from the bar or for off-premise consumption.”

The “Sushi Bar” shown on the provided floor plan will be restricted to serving food and is limited from directly serving alcohol to customers.

- **Minimum Special Use Permit Requirements:**

1. No restaurant service bar shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children or City park.
2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed restaurant service bar which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed restaurant service bar. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term property line refers to property lines of fee interest parcels and does not include the property line of:

- a. Any leasehold parcel; or
- b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation describe in Requirement 1.

3. In the case of a restaurant service bar proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

- a. From the nearest property line of the existing use to the nearest portion of the structure in which the restaurant service bar will be located, without regard to intervening obstacles; or
- b. In the case of a proposed restaurant service bar which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the restaurant service bar will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for a restaurant service bar which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

5. The minimum distance requirement in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

*6. In the O District, a restaurant service bar is permitted only as an accessory use.

*7. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Per Title 19.06.030 (I) 2, this proposal has been determined analogous in use and description to the general definitions of the Restaurant with Service Bar use as listed in Title 19.04.010. The proposed Restaurant with Service Bar use meets the minimum distance separation requirements listed in Title 19.04.010 of the City of Las Vegas Zoning Code. Staff finds that this use can be conducted in a manner that is compatible with the neighboring commercial and office uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

This location had previously operated as an approved Supper Club (U-0027-01) with no issues arising from the site for the duration of operations. The restaurant location was approved by the City Referral Group (SV-0001-01) as a portion of Phase I of the Plaza Commerce Center. The applicant has not proposed any alterations to the site or exterior of the building with this request.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed Restaurant with Service Bar will be accessed from Village Center Circle, classified as a Collector Street and will not negatively impact adjacent roadways or residential neighborhood traffic.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Staff finds the proposed Restaurant with Service Bar use will be subject to regular inspections for licensing and will therefore not compromise the public health, safety, and welfare. In addition, the applicant has submitted building permits that are currently in the reviewing stage. Building and Safety personnel will inspect all work depicted on the building permit for full compliance before issuing a Certificate of Occupancy.

5. The use meets all of the applicable conditions per Title 19.04.

The information provided by the applicant for the proposed Restaurant with Service Bar use complies with the minimum requirements listed by Title 19.40.010. The subject site had operated as a Supper Club until December of 2006 and no changes to the nearby area have occurred since this entitlement expired.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 3

ASSEMBLY DISTRICT 4

SENATE DISTRICT 6

NOTICES MAILED 471 by City Clerk

APPROVALS 3

PROTESTS 2